IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 19425 of 2004

Between:

Patcha Venkateswarlu, S/o Late Chinnappa Naidu,
R/o Gilakapadu Village, Rapur Mandal, Nellore District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Nellore, Nellore District.
2 The Mandal Revenue Officer, Rapur Mandal, Rapur , Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus under Article 226 of the Constitution of India, declaring the action of the Revenue Divisional Officer, Nellore District in not passing any orders in the suspension petition filed along with the appeal on 11-10-2004 aggrieved by the Section 6 Notice dated 30-9-2004 issued by the Mandal Revenue Officer, Rapur, Nellore district under the A.P. land encroachment act, whereunder it was directed to remove the pipeline and the well and consequently set aside the same

Counsel for the Petitioner: MR.CH.CKRISHNA REDDY

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following :

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ORDER:

This writ petition is filed seeking to declare the action of the first respondent- the Revenue Divisional Officer, Nellore, Nellore District in not passing any orders in the suspension petition filed by the petitioner along with the appeal which was preferred by him against Section 6 notice, dated 30-09-2004 issued by the second respondent-Mandal Revenue Officer, Rapur Mandal, Rapur, Nellore District, as arbitrary and illegal.

Learned counsel for the petitioner contends that no orders have been passed by the first respondent in the appeal preferred by the petitioner.

In the facts and circumstances of the case, whether the petitioner is entitled to use the Government land for erecting the pipe line and whether it will cause inconvenience to the public or not are the matters that have to be gone into and decided by the first respondent-Revenue Divisional Officer, Nellore.

Therefore, first respondent is directed to dispose of the appeal, dated 11-10-2004, preferred by the petitioner within a period of four weeks from the date of receipt of a copy of this order in accordance with law. Till then, no action should be taken in pursuance of the Section 6 notice, dated 30-09-2004.

Accordingly, the writ petition is disposed of. No order as to costs.

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19-10-2004

klp/ghn

To

1 The Revenue Divisional Officer, Nellore, Nellore District.

2 The Mandal Revenue Officer, Rapur Mandal, Rapur , Nellore District.

3 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T)

4 Two CD copies.